

NO. PD-0234-20

**IN THE
COURT OF CRIMINAL APPEALS
OF TEXAS
AT AUSTIN**

FILED
COURT OF CRIMINAL APPEALS
7/31/2020
DEANA WILLIAMSON, CLERK

**CHRISTOPHER RUBIO,
Petitioner/Appellant**

v.

**STATE OF TEXAS,
Respondent/Appellee**

*On Appeal in Cause No. F16-33703-W
from the 363rd Judicial District Court
of Dallas County, Texas
And on Appeal
from the Fifth District of Texas at Dallas
In Cause No. 05-18-00861-CR*

MOTION FOR EXTENSION

Counsel of Record:

**Lynn Richardson
Chief Public Defender**

**Christi Dean
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COMES NOW Christopher Rubio, Appellant, and respectfully submits this Motion for an Extension of Time in which to file his Brief on the Merits in the above-entitled and numbered cause. In support of this Motion, Appellant would show this Honorable Court the following:

I.

On July 11, 2018, a Dallas County jury convicted Petitioner of capital murder upon a plea of not guilty; the trial court sentenced him to life imprisonment without the possibility of parole. (CR:109). Trial counsel filed a standardized motion for new trial on the same day that Petitioner was convicted and sentenced, which the trial court immediately overruled. (CR:131). On August 10, 2018, newly-appointed appellate (undersigned) counsel filed a motion for leave to file amended motion for new trial and an amended motion for new trial. (CR:140-225, 238-268). On September 21, 2018, the trial court granted the motion for leave to file, conducted a hearing on Petitioner's amended motion for new trial, and ultimately denied it. (RR5).

II.

On February 11, 2020, the Court of Appeals for the Fifth District of Texas affirmed Petitioner's conviction in a published opinion. *Rubio v. State*, No. 05-18-00861-CR, 2020 WL 633681 (Tex. App.—Dallas Feb. 11, 2020). No motion for

rehearing was filed. On April 13, 2020, Appellant filed a timely petition for discretionary review, and on July 1, 2020, the Court granted the petition.

III.

The deadline for filing Appellant's brief on the merits is July 31, 2020. Appellant brings this motion for an extension of time accordingly. *See* Tex. R. App. P. 70.3, 38.6(d), 10.5(b). Appellant requests an extension of time for a period of thirty (30) days. No prior request for an extension of time has been made.

IV.

Since the appellate deadlines began to run, undersigned counsel took a pre-paid family vacation from the afternoon of July 2, 2020 through July 20, 2020. She has also drafted several motions in *State v. Michael Robinson*, F20-76251, and *State v. Brent Burr*, F20-75157, and engaged in numerous administrative matters connected to her position. She has been diligently researching Appellant's brief on the merits in this case.

V.

Undersigned counsel is not requesting an extension for delay but so that she may prepare the best brief possible. Because of vacation and intervening holidays, her existing docket, and the complexity and gravity of the instant case and issue, undersigned counsel is requesting one additional extension to August 30, 2020.

VI.

WHEREFORE, PREMISES CONSIDERED, Appellant respectfully requests that this Honorable Court extend time for filing his Brief on the Merits for 30 days to August 30, 2020.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument has been electronically delivered to the Dallas County Criminal District Attorney's Office (Appellate Section), 133 N. Riverfront Blvd., Dallas, Texas 75207 on this July 31, 2020.



Christi Dean

Automated Certificate of eService

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Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Dallas County District Attorney's Appellate Section		DCDAAppeals@dallascounty.org	7/31/2020 4:03:45 PM	SENT